

NOTICE OF OBJECTION TO CONFIRMATION

BAYVIEW LOAN SERVICING, LLC has filed papers with the Court to object to the Confirmation of the Chapter 13 Modified Plan.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the Court to object to the Confirmation of the Chapter 13 Modified Plan, or if you want the Court to consider your views on the Objection, then on or before 08/12/2020, you or your attorney must:

1. File with the Court an answer, explaining your position at:

**Clerk  
U.S. Bankruptcy Court  
50 Walnut Street, 3rd Floor  
Newark, NJ 07102**

If you mail your response to the Court for filing, you must mail it early enough so that the Court will *receive* it on or before the date stated above.

You must also mail a copy to:

Phelan Hallinan Diamond & Jones, PC  
1617 JFK Boulevard, Suite 1400  
Philadelphia, PA 19103

MARIE-ANN GREENBERG, Trustee  
Chapter 13 Standing Trustee  
30 TWO BRIDGES ROAD SUITE 330  
FAIRFIELD, NJ 07004

2. Attend the hearing scheduled to be held on 08/19/2020 in the NEWARK Bankruptcy Court, at the following address:

**U.S. Bankruptcy Court  
50 Walnut Street, 3rd Floor  
Newark, NJ 07102**

If you or your attorney do not make these steps, the Court may decide that you do not oppose the relief sought in the Objection and may enter an Order granting that relief.

Date: July 17, 2020

/s/ Robert J. Davidow  
Robert J. Davidow, Esq.  
Phelan Hallinan Diamond & Jones, PC  
1617 JFK Boulevard, Suite 1400  
Philadelphia, PA 19103  
Tel: 856-813-5500 Ext. 47960  
Fax: 856-813-5501

Email: [Robert.Davidow@phelanhallinan.com](mailto:Robert.Davidow@phelanhallinan.com)

**File No. 838498**

Phelan Hallinan Diamond & Jones, PC  
1617 JFK Boulevard  
Philadelphia, PA 19103  
856-813-5500  
FAX Number 856-813-5501  
BAYVIEW LOAN SERVICING, LLC

In Re:  
NORMAN HYMAN

Debtor

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY  
NEWARK VICINAGE

Chapter 13

Case No. 20-16809 - RG

Hearing Date: 08/19/2020

The undersigned, Phelan Hallinan Diamond & Jones, PC, attorneys for Secured Creditor, BAYVIEW LOAN SERVICING, LLC, the holder of a Mortgage on Debtor's residence located at 176 PARK AVENUE, RANDOLPH TOWNSHIP, NJ 07869-3445 hereby objects to the Confirmation of the Debtor's proposed Chapter 13 Modified Plan on the following grounds:

1. Movant is in the process of drafting and filing a Proof of Claim. The approximate arrears are \$70,901.05.
2. Debtor's Modified Plan fails to cure the delinquency pursuant to 11 U.S.C. §1322(b)(5) in that it does not provide for payment of arrears to Movant. Rather, Debtor's Modified Plan is speculative in nature in that the Plan contemplates curing the arrears through a loan modification that has neither been offered nor approved.
3. Debtor's Modified Plan should be further amended to fully fund and pay the arrears owed to Movant during the term of the Plan rather than rely on speculation that a loan modification will be offered and approved.

4. Further, Debtor's Modified Plan needs to provide for the correct on-going, post-petition regular monthly mortgage payments to Movant.
5. Based on the foregoing, confirmation of Debtor's proposed Modified Plan should be denied.

WHEREFORE, BAYVIEW LOAN SERVICING, LLC respectfully requests that the Confirmation of Debtor's Modified Plan be denied.

/s/ Robert J. Davidow  
Robert J. Davidow, Esq.  
Phelan Hallinan Diamond & Jones, PC  
1617 JFK Boulevard, Suite 1400  
Philadelphia, PA 19103  
Tel: 856-813-5500 Ext. 47960  
Fax: 856-813-5501  
Email: Robert.Davidow@phelanhallinan.com

Dated: July 17, 2020

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY  
**Caption in Compliance with D.N.J. LBR 9004-1(b)**

838498  
Phelan Hallinan Diamond & Jones, PC  
1617 JFK Boulevard, Suite 1400  
Philadelphia, PA 19103  
856-813-5500  
Attorneys for BAYVIEW LOAN SERVICING, LLC

In Re:

Norman Hyman

Case No: 20-16809 - RG

Judge: ROSEMARY  
GAMBARDELLA

Chapter: 13

**CERTIFICATION OF SERVICE**

1. I, Jason Seidman:

☐ represent the \_\_\_\_\_ in the above-captioned matter.

☒ am the secretary/paralegal for Phelan Hallinan Diamond & Jones, PC, who represents BAYVIEW LOAN SERVICING, LLC in the above captioned matter.

☐ am the \_\_\_\_\_ in the above case and am representing myself.

2. On July 17, 2020 I sent a copy of the following pleadings and/or documents to the parties listed below:

Objection to Modified Plan

3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: July 17, 2020

/s/ Jason Seidman  
Jason Seidman

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
U.S. Trustee US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	Trustee	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Norman Hyman 176 Park Avenue, Randolph Township, NJ 07869-3445	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
J. Todd Murphy, Esquire 90 Washington Valley Road Bedminster, NJ 07921	Debtor's Attorney	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Marie-Ann Greenberg, Trustee Chapter 13 Standing Trustee 30 Two Bridges Road Suite 330 Fairfield, NJ 07004	Trustee	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)

\* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.